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HOUSE BILL 308

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RON GENTRY

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE NMSA 1978
REGARDING DELINQUENT TAX AUCTIONS; PROVIDING FOR LAND GRANT
PARTICIPATION IN BIDDING; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,
Chapter 258, Section 107, as amended) is amended to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS. --

A. Real property may not be sold for delinquent
taxes before the expiration of three years from the first date
shown on the tax delinquency list on which the taxes on the
real property became delinquent.

B. Notice of the sale [~~must~~] shall be published in
a newspaper of general circulation within the county where the
real property is located at least once a week for the three

Underscored material = new
[bracketed material] = delete

1 weeks immediately preceding the week of the sale. The notice
2 shall state the time and place of the sale and shall include a
3 description of the real property sufficient to permit its
4 identification and location by potential purchasers.

5 C. Real property shall be sold at public auction
6 either by the department or an auctioneer hired by the
7 department. The auction shall be held in the county where the
8 real property is located at a time and place designated by the
9 department.

10 D. If the real property can be divided so as to
11 enable the department to sell only part of it and pay all
12 delinquent taxes, penalties, interest and costs, the
13 department may, with the consent of the owner, sell only a
14 part of the real property.

15 E. Before the sale, the department shall determine
16 a minimum sale price for the real property. In determining
17 the minimum price, the department shall consider the value of
18 the property owner's interest in the real property, the amount
19 of all delinquent taxes, penalties and interest for which it
20 is being sold and the costs. The minimum price shall not be
21 less than the total of all delinquent taxes, penalties,
22 interest and costs. Real property may not be sold for less
23 than the minimum price unless no offer met the minimum price
24 when it was offered at an earlier public auction. A sale
25 properly made under the authority of and in accordance with

. 121726. 1

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1 the requirements of this section constitutes full payment of
2 all delinquent taxes, penalties and interest that are a lien
3 against the property at the time of sale, and the sale extin-
4 guishes the lien.

5 F. Payment shall be made in full by the close of
6 the public auction before an offer may be deemed accepted by
7 the department.

8 G. Real property not offered for sale may be
9 offered for sale at a later sale, but the requirements of this
10 section and Section 7-38-66 NMSA 1978 shall be met in
11 connection with each sale.

12 H. A bid made at a public auction by a community
13 land grant described in Chapter 49 NMSA 1978 and functioning
14 under the laws of the state shall be considered the highest
15 bid at that public auction and shall entitle the land grant to
16 purchase the property for the amount bid if:

17 (1) the property is situated within the
18 boundaries of that land grant as contained in the United
19 States patent to the community land grant; and

20 (2) the bid is made in the amount of all past
21 taxes, penalties, interest and costs due on the property. "

22 Section 2. APPROPRIATION. --Twenty thousand dollars
23 (\$20,000) is appropriated from the general fund to the local
24 government division of the department of finance and
25 administration for expenditure in fiscal year 1999 for the

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1 purpose of aiding participation of community land grants in
2 bidding for appropriate properties for sale through delinquent
3 tax auctions. Any unexpended or unencumbered balance
4 remaining at the end of fiscal year 1999 shall revert to the
5 general fund.

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3 **FORTY-THIRD LEGISLATURE**
4 **SECOND SESSION, 1998**
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8 **February 2, 1998**
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11 **Mr. Speaker:**
12

13 **Your RULES AND ORDER OF BUSINESS COMMITTEE, to**
14 **whom has been referred**
15

16 **HOUSE BILL 308**
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18
19 **has had it under consideration and finds same to be GERMANE**
20 **in accordance with constitutional provisions.**
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22 **Respectfully submitted,**
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R. David Pederson, Chairman

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Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 2 Against

Yes: 6

No: Knowles, Ryan

Excused: Hobbs, Lujan, Nicely, Olguin, Sanchez, Taylor, J.G.,
Williams, S.M

Absent: None

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